

1 P. Kristofer Strojnik, SBN 242728
2 pstrojnik@strojniklaw.com
3 Esplanade Center III, Suite 700
4 2415 East Camelback Road
5 Phoenix, Arizona 85016
6 415-450-0100 (tel.)

7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 THERESA BROOKE, a married woman
11 dealing with her sole and separate claim,

12 Plaintiff,

13 vs.

14 INN ON THE BEACH LLC, a California
15 limited liability company,

16 Defendant.

Case No:

VERIFIED COMPLAINT

(JURY TRIAL DEMANDED)

17 Plaintiff alleges:

18 **PARTIES**

19 1. Plaintiff Theresa Brooke is a married woman. Plaintiff is legally disabled,
20 and is therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(2),
21 the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq., the
22 California Unruh Civil Rights Act. Plaintiff ambulates with the aid of a wheelchair due
23 to the loss of a leg.

24 2. Defendant, Inn on the Beach LLC, owns and/or operates and does
25 business as the hotel Inn on the Beach located at 1175 South Seaward Avenue, Ventura,
26 California 93001. Defendant's hotel is a public accommodation pursuant to 42 U.S.C. §
27 12181(7)(A), which offers public lodging services. On information and belief,
28 Defendant's hotel was built or renovated after March 15, 2012.

JURISDICTION

3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 42 U.S.C. § 12188.

4. Plaintiff's claims asserted herein arose in this judicial district and Defendant does substantial business in this judicial district.

5. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

6. Pursuant to *Arroyo v. Rosas*, supplemental jurisdiction is appropriate over Plaintiff's Unruh claim. On a case-specific analysis, there are no compelling reasons to decline jurisdiction.

ALLEGATIONS

7. Plaintiff alleges that Defendant's Hotel's disabled parking does not adjoin an accessible route to the Facility. Section 502.3.

8. Disabled parking spots relate to Plaintiff's disability because she has only one leg and uses a wheelchair, and disabled parking provides for an access aisle and closer distances to an accessible entrance.

9. It is more difficult for a person in a wheelchair to move about than a person who is able to walk; it is also more time-consuming. Hence, disabled parking is mandated to provide an accessible route from the parking to the facility entrance.

10. Plaintiff formerly worked in the hospitality industry. She is an avid traveler across California for purposes of leisure travel and to "test" whether various hotels comply with disability access laws, doing so at least once per month. Testing is encouraged by the Ninth Circuit.

11. In mid-April 2025, Plaintiff visited Defendant's hotel, which has a parking lot and disabled parking. However, the access aisle that the disabled parking spaces share leads into a curb and beyond the curb is dirty area, which makes no sense. An access aisle must lead to an accessible route, and leading into a curb for a person in

1 a wheelchair such as Plaintiff makes it an *in*accessible route. A person in a wheelchair
2 cannot navigate a curb, and so Defendant's disabled parking does not adjoin an
3 accessible route.

4 12. As a result of the violation that she personally encountered, she was
5 deterred from entering the Hotel lobby and left the Hotel.

6 13. Plaintiff has certain plans of returning and staying at the Hotel in
7 September 2025 during one of her many trips across Southern California, in the hopes
8 that Defendant will have remediated the barrier by then thereby allowing her full and
9 equal access. If the barrier is not removed by the time of her return, she will remain
10 deterred.

11 14. It is readily achievable and inexpensive to modify the Hotel to paint an
12 access aisle leading from the disabled parking to the Hotel's entrance, thereby
13 providing an accessible route from parking to the entrance.

14 15. Without injunctive relief, Plaintiff and others will continue to be unable to
15 independently use Defendant's hotel in violation of her rights under the ADA.

16 **FIRST CAUSE OF ACTION**

17 16. Plaintiff incorporates all allegations heretofore set forth.

18 17. Defendant has discriminated against Plaintiff and others in that it has
19 failed to make its public lodging services fully accessible to, and independently usable
20 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §
21 12182(b)(2)(iv) and the 2010 Standards, as described above.

22 18. Defendant has discriminated against Plaintiff in that it has failed to
23 remove architectural barriers to make its lodging services fully accessible to, and
24 independently usable by individuals who are disabled in violation of 42 U.S.C.
25 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the
26 2010 Standards would neither fundamentally alter the nature of Defendant's lodging
27 services nor result in an undue burden to Defendant.
28

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 21st day of May, 2025.

A handwritten signature in dark ink, appearing to read 'T. Brooke', is written over a horizontal line.

Theresa Marie Brooke